

**Hearing Officer Meeting Minutes  
October 8, 2020**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, October 8, 2020, in City Council Chambers, One City Plaza, Yuma, AZ.

**HEARING OFFICER** in attendance was Sonia Ramirez.

**CITY OF YUMA STAFF MEMBERS** present included Scott McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director/Zoning Administrator; Erika Peterson, Assistant Planner; Randall Crist, Building Official and Jessenia Juarez, Administrative Assistant.

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**Ramirez** called the meeting to order at 9:30 a.m.

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**CONSENT CALENDAR**

**Ramirez** approved the minutes of August 27, 2020.

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**PUBLIC HEARINGS**

**VAR-31857-2020:** *This is a request by Rodolfo Alvarado, on behalf of Consuelo Ramos, for a Variance to reduce the rear yard setback from 10' to 3' for a patio in the Medium Density Residential/Planned Unit Development (R-2/PUD) District, for the property located at 3976 S. Brianna Drive, Lot 49, Yuma, Arizona.*

**Erika Peterson, Assistant Planner**, summarized the staff report, recommending **DENIAL**.

**QUESTIONS FOR STAFF**

**Ramirez** asked how the case came to the City's attention. **Peterson** stated it was a code enforcement case, who notified the Planning Division. **Ramirez** asked if the City was aware of any similar patios in the area. **Peterson** stated no.

**Ramirez** asked if the existing structure caused danger or detriment to surrounding neighbors. **Peterson** stated that the Building Safety Division had concerns over the lack of fire separation. **Ramirez** referred to the statement in section D of the staff report, noting that staff had marked yes in response to the statement. **Peterson** stated that was correct; that the request would not be detrimental but that the Building Safety Division had concerns about the fire separation.

**Ramirez** asked if there were any concerns with how the structure was constructed and if so, could staff explain. **Peterson** stated there were concerns and asked **Randall Crist, Building Official**, to speak to the issue.

**Crist**, stated there were concerns with the construction of the patio. **Crist** continued by stating that the patio had been hung from the eave of the house, which is not an acceptable method for a patio connection. The constructed patio was also placed 0' from the side property line, which requires fire separation. **Crist** recommended two options to address the fire separation concern. The first option was to cut the patio back to 5' from the property line or alternatively, construct a fire wall along the property line to allow the patio to remain at 0'.

**Ramirez** asked if **Crist** was requesting that the variance for 3' be changed to 5'. **Crist** said yes. **Ramirez** asked if the task to correct the patio construction would be easily achievable. **Crist** said cutting the patio back would be easy. However, if the applicant chose to construct the firewall it would be more difficult and would require a footing. **Crist** added that the connection from the patio to the house was the bigger concern and that there were only two options to correct the issue. The first option would be to remove the entire patio and add new rafters that attach to the home in the correct manner, or put utilize a beam and post construction that would require footings to be installed. **Crist** continued, stating that aesthetically, the beam and post construction may not be the most desired outcome.



**Ramirez** asked if the patio was impeding any views from the rear of the property. **Crist** stated that there was no obstruction he was aware. **Ramirez** continued by asking if the area adjacent to the subject property was to remain open space or if it was going to become future housing. **Crist** responded by stating that this area was to remain as open space.

#### **APPLICANT/APPLICANTS REPRESENTATIVE**

**Rodolfo Alvarado**, on behalf of **Consuelo Ramos**, 3976 S. Brianna Dr. Lot 49, Yuma, AZ 85364, stated that behind his house the area is neglected and that people use as a pathway.

**Ramirez** asked why **Alvarado** did not request a Variance before building the patio. **Alvarado** said no comment, adding he would like to have the patio completed correctly.

#### **OPEN PUBLIC COMMENT**

None

#### **DECISION**

**Ramirez** granted the variance at 5' instead of the requested 3', subject to the Conditions of Approval in Attachment A, finding that the four criteria had been met.

**Alvarado** asked is the 5' would be from the side yard. **Ramirez** said yes.

**Peterson** asked the Hearing Officer to clarify if the 5' would be from the side or rear of the property as the request was in reference to the rear setback. **Peterson** stated that the structure was encroaching 7' into the rear setback resulting in a 3' setback. **Peterson** continued by stating that the R-2 zoning requirements are 10' from the rear and that 0' is permitted in the PUD District. **Ramirez** referred to the Building Official's statement that the 5' setback would be from the side yard. **Peterson** stated the rear yard setback would then be approved at 3'. **Ramirez** stated that she understood that the rear yard setback was not an issue, even if the setback was 0', as the area adjacent to the rear yard was designated open space.

**Attorney Scott McCoy** called for a short recess at 9:48 a.m. to gather the correct information from the Building Official.

**McCoy** called the meeting back to order at 9:50 a.m. **McCoy** acknowledged that **Ramirez** was correct; stating that the issue regarding the fire separation was in reference to the side yard setback, which would require the property owner to achieve a 5' side yard fire separation from the adjacent property. **McCoy** continued by stating that the request as it refers to the rear yard setback was to be approved at 3'.

**Alvarado** added that the City recommended another wall be constructed in between the existing block wall as a means to achieve proper fire departure. **McCoy** stated that the Building Official made that alternative available for the Hearing Officer to approve the Variance. **Alvarado** stated that this option was his preferred method to remedy the fire separation concern, as it was easier to complete. **Ramirez** confirmed that option was an acceptable alternative offered by the Building Official.

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**Ramirez** adjourned the meeting at 9:53 a.m.

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Minutes approved and signed this 12<sup>th</sup> day of November, 2020.

  
Hearing Officer